IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 23541 of 2004

Between:

1 Ushodaya Municipal Public Health Ex. Employees Families Welfare Association,(Regd.No. 145/98), rep. by its Manager, P. Srinivasa Rao S/o Malatheswara Rao, aged 35 years, R/o Narasaraopet, Guntur.
2 Navodaya Parisudhya Sangham, (Regd.No. 4/2004) rep. by its Manager M. Guru Krishna Vara Prasad S/o M. Venkaiah, aged 25 years, R/o Keerthi Apartments, Ameerpet, Hyderabad.
3 Ongole Harijana Private Parisudhya Panivarala Sangham, Ongole, rep. by its President, Anantharapu Veeraiah s/o Kotaiah, aged 45 years, R/o Kothapatnam Road, Ongole.
4 Abhudaya Harijana Parishdhya Panivarala Sangham, Guntur (Regd.NO. 39/04) rep. by its President, Kornepati Achaiah S/o Pedda Yesu, aged 25 years, R/o Stambala Garuvu, Guntur.
5 The Harijana Labour Contract Co-op Society, Kakani, Narasaraopet, (Regtd.Z-723) rep. by its Manager, M. Venkaiah S/o Kotaiah, aged 56 years, R/o Kakani, Guntur District.
6 Karimnagar Harijana Girijana Private Sanitation workers Welfare Association, (Regd.No. 132/2004) rep. by its President, Jekkula Laxmaiah S/o Laxmaiah, D.No. 9-9-145, Ramnagar, Karimnagar.

... PETITIONERS

AND

1 The Commissioner, Municipal Corporation of Hyderabad, Tankbund Road, Hyderabad.
2 The Chief Entomologist, UMS. Municipal Corporation of Hyderabad, Tankbund Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the condition imposed in the tender notification No. 595/UMS/MCH/2004-05 dt.30-11-2004 viz., "who are residents of Municipal Corporation of Hyderabad and adjoining Municipalities only" as illegal, arbitrary and unconstitutional and consequently direct the respondents to issue the tender schedules to the petitioners free of cost and without insisting on payment of E.M.D. in respect of both the reserved and unreserved works mentioned in the said tender notification.

Counsel for the Petitioner: MR.P.GOVIND REDDY

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court, at the admission stage, made the following:

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ORDER:

Since the Municipality has a right to impose conditions for participation in tenders, petitioner cannot question the conditions imposed and so I find no grounds to admit

this writ petition.

Hence, the writ petition is dismissed. No costs.

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(C.Y.SOMAYAJULU, J)

Dated April 27, 2005.

YCR

To

1 The Commissioner, Municipal Corporation of Hyderabad,
Tankbund Road, Hyderabad.
2 The Chief Entomologist, UMS. Municipal Corporation of Hyderabad,
Tankbund Road, Hyderabad.

3. 2 C.D. copies.